

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF QWEST CORPORATION FOR)	CASE NO. QWE-T-05-8
APPROVAL OF PRIME TIME VENTURES,)	
LLC'S ADOPTION OF THE COVISTA INC.)	
AGREEMENT (APPROVED BY ORDER NO.)	
29544) AND FOR THE AMENDMENT OF)	
THE AGREEMENT, PURSUANT TO 47)	ORDER NO. 29746
U.S.C. § 252(e))	

In this case the Commission is asked to approve an Interconnection Agreement between Qwest and Prime Time Ventures, LLC. The Agreement consists of the adoption of the Covista, Inc. Interconnection Agreement (approved by the Commission in Order No. 29544) as well as two amendments to that agreement. With this Order the Commission approves the Agreement and amendments.

BACKGROUND

Under the provisions of the federal Telecommunications Act of 1996, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission may reject an agreement adopted by negotiations only if it finds that the agreement: (1) discriminates against a telecommunications carrier not a party to the agreement; or (2) implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e)(2)(A). As the Commission noted in Order No. 28427, companies voluntarily entering into interconnection agreements "may negotiate terms, prices and conditions that do not comply with either the FCC rules or with the provision of Section 251(b) or (c)." Order No. 28427 at 11 (emphasis in original). This comports with the FCC's statement that "a state commission shall have authority to approve an interconnection agreement adopted by negotiation even if the terms of the agreement do not comply with the requirements of [Part 51]." 47 C.F.R. § 51.3.

THE CURRENT APPLICATION

The Application for approval of the Agreement between Qwest and Prime Time Ventures, LLC was filed on March 22, 2005. The Application seeks approval of the adoption of the existing Covista, Inc. Interconnection Agreement approved by the Commission on July 8,

2004. The parties also executed and submitted two amendments to their Agreement. One amendment deals with elimination of UNE-P and implementation of Batch Hot Cut Process. The other amendment deals with the TRO and USTA II decision.

STAFF RECOMMENDATION

The Staff has reviewed the Application and does not find any terms or conditions to be discriminatory or contrary to the public interest. Staff believes that the Application is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act, as well as recent FCC orders. Accordingly, Staff recommends Commission approval of the Agreement and amendments.

COMMISSION DECISION

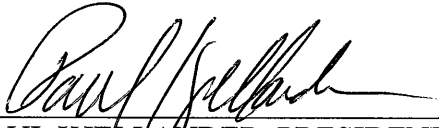
Under the terms of the Telecommunications Act, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission's review is limited, however. The Commission may reject an agreement adopted by negotiation only if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience and necessity. *Id.* Based upon our review of the Application and Staff's recommendation, the Commission finds that the Agreement is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that the Agreement should be approved. However, approval of this Agreement does not negate the responsibility of either of the parties to this Agreement to obtain a Certificate of Public Convenience and Necessity if they are offering local exchange services or to comply with *Idaho Code* §§ 62-604 and 62-606 if they are providing other non-basic local telecommunications services as defined by *Idaho Code* § 62-603.

ORDER

IT IS HEREBY ORDERED that the interconnection agreement and amendments of Qwest Corporation and Prime Time Ventures, LLC, Case No. QWE-T-05-8, are approved.

THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) may petition for reconsideration within twenty-one (21) days of the service date of this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* §§ 61-626 and 62-619.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 31st
day of March 2005.



PAUL KJELLANDER, PRESIDENT

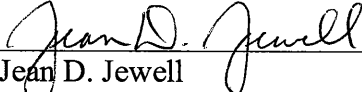


MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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